

ORDINANCE NO. 2016- 13

AN ORDINANCE OF THE TOWN OF EATONVILLE, WASHINGTON, APPROVING A SITE SPECIFIC REZONE FOR PARCELS 3605002300, 3605002310, 3605002322, AND 3605002280 LOCATED AT 303 AND 305 CENTER STREET WEST AND PENNSYLVANIA AVENUE SOUTH AND AMENDING THE EATONVILLE ZONING MAP BY CHANGING THE ZONING CLASSIFICATION FOR THE PROPERTY FROM MULTI-FAMILY RESIDENTIAL DISTRICT, HIGH DENSITY (MF-2) TO DOWNTOWN COMMERCIAL DISTRICT (C-1)

WHEREAS, the Town of Eatonville (the applicant) is the owner of the real property located at 305 Center Street West, Eatonville; Pierce County tax parcel numbers 3605002300; 3605002310 and 3605002322 and Audrey M. Baardson as Trustee is the owner of the property located at 303 Center Street West, parcel number 3605002280; and

WHEREAS, Audrey M. Baardson has appointed the Town as her agent for purposes of the site specific rezone application; and

WHEREAS, 3 of the 4 parcels within the rezone area are owned by the Town of Eatonville and already contain development that is commercial in nature, the Eatonville Community Center, parking facilities and accessory activities and uses; and

WHEREAS, the applicant has submitted an application to rezone the subject properties from Multi-Family Residential District, High Density (MF-2) to Downtown Commercial District (C-1); and

WHEREAS, all required fees associated with the rezone application have been paid by the applicant; and

WHEREAS, a SEPA Determination of Non-Significance was issued on June 8, 2016 and no comments were received; and

WHEREAS, on June 27, 2016, the Eatonville Planning Commission held a public hearing and received no public comment regarding the applicant's request to rezone the subject properties; and

WHEREAS, at least ten (10) days prior to the public hearing, notice of the public hearing was provided to all property owners within at least 300 feet of the proposed rezone and a public notice was posted on the subject property; and

WHEREAS, public notice was also published in the local newspaper at least ten (10) days prior to the public hearing; and

WHEREAS, having conducted the public hearing and considered the entire

record, including but not limited to the Planning Department's file, a staff report, and public comment, the Planning Commission has unanimously recommended approval of the application for the rezone of the subject property; now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF EATONVILLE
AS FOLLOWS:**

Section 1. Findings and Conclusions. Based on the Planning Department's file, the staff report prepared for the Planning Commission's public hearing (a copy of which is attached as Exhibit A), and the materials submitted at the public hearing, all of which are incorporated herein by reference, the Town Council identifies the following findings of fact as relevant to the applicant's request for a site specific rezone.

- A. The Whereas clauses set forth above are adopted herein as findings of fact.
- B. The Town's Comprehensive Plan land use designation for the subject property is Multi-Family. The current zoning designation for the subject property is Multi-Family Residential District, High Density (MF-2).
- C. The Comprehensive Plan describes single family residential as the predominant land use in the Town. The residential land designation is described as encompassing both single family and multi-family development.
- D. The Comprehensive Plan identifies the following as goals and policies in support of commercial land use: recognize and promote existing and future conditions that are supportive of the overall community; a large portion of the rezone area has historically been developed with community facilities, which are commercial in nature. Approval of the rezone will be balanced in recognition of existing conditions, neighborhood compatibility, and as well, be supportive and enhance economic vitality in the Town.
- E. The abutting area land use designations are north: multi-family and commercial; south: multi-family; east: commercial; and west: multi-family.
- F. The abutting area zoning designations are north: C-1 and MF-1; south: MF-2; east: C-1; and west: MF-2.
- G. Development of the subject property will increase its tax assessed value and generate increased utility fees.

Section 2. Conclusions of Law. Based on the findings of fact set forth above in Section 1, the Town Council makes the following conclusions of law:

- A. Section 18.09.050 of the Eatonville Municipal Code provides, in part:

C. Standards and Criteria for Granting a Request for Rezone. The following standards and criteria shall be used by the planning commission and town council to evaluate a request for rezone. Such an amendment shall only be granted if the town council determines that the request is consistent with these standards and criteria:

- 1. The proposed rezone is consistent with the comprehensive plan;*
- 2. The proposed rezone and subsequent development of the site would be compatible with development in the vicinity;*
- 3. The proposed rezone will not unduly burden the transportation system in the vicinity of the property with significant adverse impacts which cannot be mitigated;*
- 4. Circumstances have changed substantially since the establishment of the current zoning district to warrant the proposed rezone;*
- 5. The proposed rezone will not adversely affect the health, safety and general welfare of the town.*

B. The applicant has met its burden as to the five criteria set forth in EMC 18.09.050(C).

1. The rezone request is consistent with the Comprehensive Plan. The rezone request furthers the Plan's goals of encouraging business development in the Town's commercial core and maintaining a pedestrian-oriented Town center. The commercial land use designation furthers the goals and policies set forth in the Plan for commercial land use.
2. The proposed rezone and subsequent development of the subject property is compatible with development in the vicinity. The land area abutting the subject property has a land use designation of either commercial or multi-family and a zoning designation of either C-1 or MF-2. However, the existing pattern of actual land development abutting the subject property is undeveloped multi-family lots.
3. The proposed rezone will not unduly burden the transportation system in the vicinity of the subject property. Center Street West is a paved public road that is developed with curb, gutter, sidewalk, and street lighting. The change from multi-family zone to commercial zone will not burden the existing transportation system.
4. As a result of the 2008 recession and its impact on residential development in the Town, multi-family residential development is not marketable. Rezoning the property to commercial will increase the likelihood the property will be further developed. These changed circumstances support the request to rezone.
5. The requested rezone has a substantial relation to the health, safety, and general welfare of the Town because the rezone furthers the goals of the Town's Comprehensive Plan.

Section 3. Final Decision. Based on the recommendation of the Planning

Commission and the findings of fact and conclusions of law set forth above, the Town Council approves the request to rezone and the Town of Eatonville Zoning Map is hereby amended by changing the zoning classification for the property located at 303 and 305 Center Street West, Pierce County tax parcels 3605002300; 3605002310; 3605002322 and 3605002280, from Multi-Family Residential District, High Density (MF-2) to Downtown Commercial District (C-1).

Section 4. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 5. This ordinance shall take effect after publication of a summary, consisting of the title, pursuant to RCW 35.27.300.

1ST READING: 07/11/2016

2ND READING: 07/25/2016

PASSED by the Town Council of the Town of Eatonville and attested by the Clerk in authentication of such passage this 25th day of July, 2016.

Mike Schaub
Mayor

ATTEST:

APPROVED AS TO FORM:

Kathy Linnemeyer
Town Clerk

Gregory A. Jacoby
Town Attorney



Community Center Area Rezone

Planning Commission Recommendation: APPROVAL

Scott Clark, Town Planner
Larson and Associates

TABLE OF CONTENTS:

I. Application Scope.....	Page 2
II. Project Description	Page 2
III. General Site Location	Page 2
IV. Background	Page 2
V. Regulations and Procedures	Page 7
VI. Comprehensive Plan	Page 8
VII. State Environmental Policy Act (SEPA)	Page 9
VIII. Project Comments	Page 9
IX. Planning Commission Analysis & Recommendation.....	Page 9
X. Planning Commission Findings of Fact	Page 10
XI. Planning Commission Recommendation.....	Page 11
XII. Attachments	Page 11

I. APPLICATION SCOPE:

Rezone of four (4) parcels from Multifamily Residential District (MF-2) –to- Downtown Commercial District (C-1).

II. PROJECT DESCRIPTION:

The Town of Eatonville (*the Applicant*) is proposing a rezone of four (4) parcels, totaling ~1.11 acres, from Multifamily Residential District (MF-2) –to- Downtown Commercial District (C-1). The rezone area includes the following parcels: 3605002280, 3605002300, 3605002310 and 3605002322.

III. GENERAL SITE LOCATION:

The rezone area is located south of Center Street West, between Pennsylvania Avenue South and Orchard Avenue South.



IV. BACKGROUND:

Applicant / Owner 1:	Town of Eatonville PO Box 309 Eatonville WA 98328	Parcels: 3605002300, 3605002310 and 3605002322
Owner 2:	Audrey Baardson PO Box 161 Eatonville WA 98328	Parcel: 3605002280

Application Type: Rezone

Application Complete: May 23, 2016

Tax Parcel Numbers: 3605002300, 3605002310, 3605002322 and 3605002280

Legal Descriptions: **TAX PARCEL # 3605002300:**

LOTS 1 AND 2, BLOCK 31 OF THE MAP OF THE TOWN OF EATONVILLE AS FOUND IN BOOK 7, PAGE 41 OF PLATS, PIERCE COUNTY AUDITOR, IN SECTION 14, TOWNSHIP 16 NORTH, RANGE 4 EAST, W.M.;

TAX PARCEL # 3605002310:

THE NORTH HALF OF LOT 3, BLOCK 31 OF THE MAP OF THE TOWN OF EATONVILLE AS FOUND IN BOOK 7, PAGE 41 OF PLATS, PIERCE COUNTY AUDITOR, IN SECTION 14, TOWNSHIP 16 NORTH, RANGE 4 EAST, W.M.;

TAX PARCEL # 3605002322:

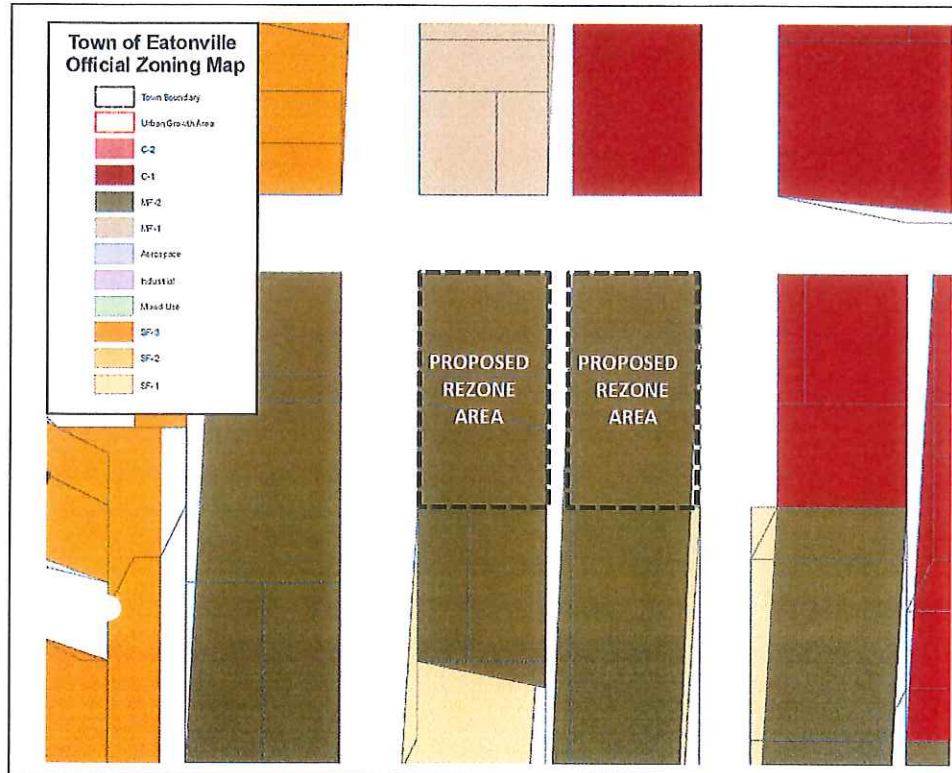
THE SOUTH HALF OF LOT 3 AND ALL OF LOT 4, BLOCK 31 OF THE MAP OF THE TOWN OF EATONVILLE AS FOUND IN BOOK 7, PAGE 41 OF PLATS, PIERCE COUNTY AUDITOR, IN SECTION 14, TOWNSHIP 16 NORTH, RANGE 4 EAST, W.M.;

TAX PARCEL # 3605002280:

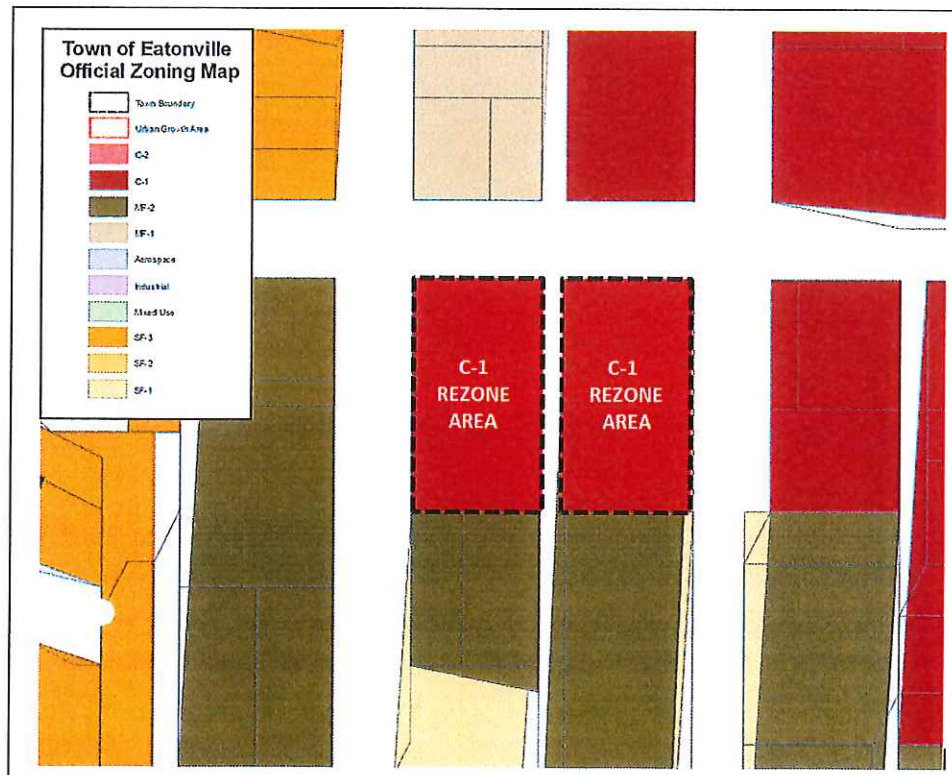
LOT'S 1-4, INCLUSIVE, BLOCK 30, MAP OF THE TOWN OF EATONVILLE, AS FOUND IN BOOK 7, PAGE 41 OF PLATS, PIERCE COUNTY AUDITOR, IN SECTION 14, TOWNSHIP 16 NORTH, RANGE 4 EAST, W.M.



Existing Zoning: Multifamily Residential District (MF-2)



Requested Zoning Proposal: Downtown Commercial District (C-1)



Abutting Zoning: North: C-1 & MF-1
South: MF-2
East: C-1
West: MF-2

Abutting Development: North: 1 Commercially zoned dwelling & 2 Single Family Residences (*across Center St W*)
South: 3 undeveloped multifamily lots abut to the south (*up the hill rising to the south*)
East: Eatonville Library & a vacant commercial lot (*across Orchard Ave S*)
West: 2 Single Family Residences (*across Pennsylvania Ave S*)

Existing Utility Services: Water: Town of Eatonville
Sewer: Town of Eatonville
Power: Town of Eatonville

Existing Conditions: 3 of the 4 parcels within the rezone area are owned by the Town of Eatonville and already contain development that is commercial in nature, the Eatonville Community Center, parking facilities and accessory activities and uses. 1 privately owned lot is developed with a single family residence and accessory outbuildings.

Rezone Area:



Looking Southeast from the intersection of Pennsylvania Ave S and Center St W



Looking South from Center Street West – The Eatonville Community Center



Looking Southwest down the alleyway between the SFR & Community Center from Center St W



Looking Southwest from the intersection of Orchard Ave S and Center St W

Neighboring properties:



A. and B. Residences across Center St



C. Commercially zoned dwelling



D. Eatonville Library



E. Undeveloped commercial lot



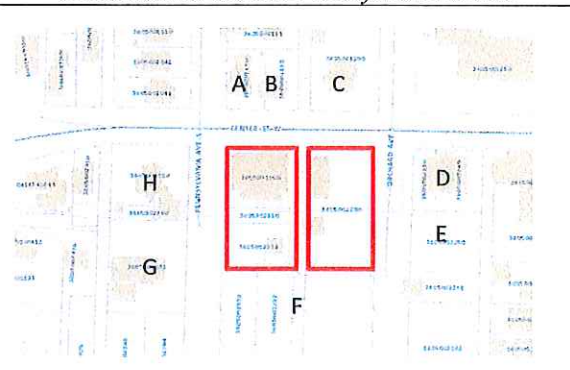
F. Undeveloped multifamily lots on hill



G. Residence across Pennsylvania Ave S



H. Residence across Pennsylvania Ave S



V. REGULATIONS AND PROCEDURES:

For Planning Commission review, consideration and recommendation, please find below some of the relevant Eatonville Municipal Codes (EMC) related to this proposal:

18.09.050 Amendments.

This title may be amended by the town council by changing the boundaries of zoning districts (rezones which change the official zoning map) or by changing any other provisions thereof (text amendments which add, delete or otherwise modify the text of this title) whenever the public necessity and convenience and the general welfare require such amendment, by following the procedures of this section.

A. Initiation. An amendment may be initiated as follows:

3. Official zoning map amendments (rezones) may be initiated by application of one or more owners, or their agents, of the property affected by the proposed amendment, which shall be made on a form prescribed by the planning director and filed with the planning director. The application shall be submitted at least 30 days prior to the next regularly scheduled public hearing date, and shall be heard by the planning commission within 45 days of the date of the application; provided, however, that this period may be extended in any case for which an environmental impact statement is required.

B. Public Hearing. The planning commission shall hold at least one public hearing on any proposed amendment, and shall give notice thereof in at least one publication in the local newspaper at least 10 days prior to the public hearing.

1. Notice shall be given to all property owners within at least 300 feet and, when determined by the planning director, a greater distance from the exterior boundaries of the property which is the subject of the application. Such notice is to be sent 10 days prior to the public hearing. The failure of any property owner to receive the notice of hearing will not invalidate the proceedings.

2. Public notices shall be posted in one conspicuous place on or adjacent to the property which is the subject of the application at least 10 days prior to the date of the public hearings. Public notice shall be accomplished through use of a two-foot by two-foot plywood face generic notice board, to be issued by the town planning director, and as follows: The applicant shall apply to the town for issuance of the notice board, and shall deposit with the town planning director the amount of dollars as specified in the current rate and/or fee resolution. The applicant shall be responsible for placement of the notice boards in one conspicuous place on or adjacent to the property which is the subject of the application at least 14 days prior to the date of the public hearing. Planning department staff shall post laminated notice sheets and vinyl formation packets on the board no later than 10 days prior to the hearing. Upon return of the notice board in good condition to the planning director by the applicant, an amount of dollars of the initial notice board deposit shall be refunded to the applicant as specified in the current rate and/or fee resolution.

C. Standards and Criteria for Granting a Request for Rezone. The following standards and criteria shall be used by the planning commission and town council to evaluate a request for

rezone. Such an amendment shall only be granted if the town council determines that the request is consistent with these standards and criteria:

1. The proposed rezone is consistent with the comprehensive plan;
2. The proposed rezone and subsequent development of the site would be compatible with development in the vicinity;
3. The proposed rezone will not unduly burden the transportation system in the vicinity of the property with significant adverse impacts which cannot be mitigated;
4. Circumstances have changed substantially since the establishment of the current zoning district to warrant the proposed rezone;
5. The proposed rezone will not adversely affect the health, safety and general welfare of the town.

D. Recommendation of Planning Commission. Following the public hearing provided for in this section, the planning commission shall make a report of findings and recommendations with respect to the proposed amendment and shall forward such to the town council, which shall have the final authority to act on the amendment.

E. City Council Action.

1. Within 30 days of receipt of the planning commission's recommendation, the town council shall, at a regular public meeting, consider the recommendation.
2. If the application for an amendment is denied by the town council, the application shall not be eligible for resubmittal for one year from date of the denial, unless specifically stated to be without prejudice. A new application affecting the same property may be submitted if, in the opinion of the planning commission, circumstances affecting the application have changed substantially.

18.03.020 Official zoning map.

D. Amendments. If changes are made in the district boundaries or other matters portrayed by the official zoning map, such changes shall be entered on the official zoning map after the amendment has been approved by the town council. The signature of the town clerk and the town attorney shall be entered on the official zoning map with the ordinance number of the amendment. Each amendment shall be filed as part of the official zoning record.

Chapter 18.09A, Land Use Permits and Appeal Procedure

VI. COMPREHENSIVE PLAN

For Town Council reference, please find below some of the Eatonville Comprehensive Plan excerpts that the Planning Commission found relate to this proposal:

Goal LU-1

To support and improve a rural small town, residential community comprised largely of single-family neighborhoods together with a central commercial area and a broad range of other support services and businesses which occur in identified commercial areas.

Policies

1. Consider the following before decisions in land use are made:



- a. The need for the proposed use;*
- b. Adequacy of and proximity to community facilities and utilities, roads, parks, recreation facilities and schools;*
- c. Benefit to the neighborhood, Town or region;*
- f. The effect of the proposed use on the small town image of Eatonville.*

2. *Ensure compatibility with adjacent land uses. The following should be considered prior to land use decisions:*

- a. The type of land use and the design of new development should be compatible with existing developments and land uses and should preserve Eatonville's small town image;*
- b. Land uses which generate high traffic volumes should have access limited to collector or arterial streets;*
- c. Land uses along highways and major streets should consider noise, air quality, visual and other unique environmental conditions which occur in these areas; and*

Goal LU-2

To encourage residential neighborhoods within the Town to have convenient access (including pedestrian) to commercial facilities, parks, and other community services.

Goal LU-7

Land use decisions shall support and enhance the economic vitality of the Town by maintaining and increasing employment opportunities, professional and personal services, and retail sales within the town boundaries.

VII. STATE ENVIRONMENTAL POLICY ACT (SEPA):

A SEPA determination on non-significance (DNS) was made on May 23, 2016. No comments on the DNS were received, which were due by June 8, 2016.

VIII. PROJECT COMMENTS: None received

Public notices, including site posting, newspaper publication, and agency/neighbor notifications were completed as required by Town regulations. No agency or public comments were received during the project and SEPA comment periods. No agency representatives or members of the public attended or provided comment at the June 27, 2016 Planning Commission hearing.

IX. PLANNING COMMISSION ANALYSIS & RECOMMENDATIONS:

Pursuant to EMC 18.09.050, Amendments, the Planning Commission is authorized and required to review and make recommendations to Town Council on all requests for rezone. In consideration of such requests, the Commission is minimally required to review and make recommendations regarding whether or not such applications will or will not: 1) Be consistent with the Comprehensive Plan; 2) Be determined compatible; 3) Have unreasonable traffic impacts; 4) Acknowledge a change in circumstances; and 5) Be adverse to the health, safety and general welfare of the Town.

First, pursuant to the goals and policies provided herein, it is the Planning Commission's opinion that the requested rezone is consistent. The Comprehensive Plan serves to recognize and promote existing and future conditions that are supportive of the overall community. A large portion of the rezone area has historically been developed with community facilities, which are commercial in nature (*based on size, scale, use impacts etc.*). It is the Planning Commission's opinion that consistent with the goals and policies of the Comprehensive Plan, approval of the rezone will be balanced in recognition of existing conditions, neighborhood compatibility, and as well, be supportive and enhance economic vitality in the Town.

Second, given two sides of the rezone area are bordered by the same commercial zone (C-1) and that the other two sides bordered by multifamily zoning districts (*which are typically considered to be transitional zones*), it is the Planning Commission's opinion that the exiting development within the rezone area as well as any subsequent development of the site will be compatible with development in the vicinity.

The rezone site is primarily served by Center Street West, with additional side-road service being provided by Orchard Avenue South and Pennsylvania Avenue South. Given the fact that this area is largely developed and adequate existing service roads are in place, it is the Planning Commission's opinion the proposed rezone will not unduly burden the transportation system or create significant adverse impacts that cannot be mitigated in the future.

Since the Town's adoption of the Comprehensive Plan and implementing regulations, circumstances have changed in that this site has been recognized as containing existing commercial type development that appears to have been overlooked in previous planning efforts. As such, it is the Planning Commission's opinion that the rezone is warranted as it will simply correct the previous oversight.

Finally, given the above comments and analysis, it is the Planning Commission's opinion that the requested rezone will not adversely affect the health, safety and general welfare of the town.

X. PLANNING COMMISSION FINDINGS OF FACT:

1. Requests for Rezone may be allowed pursuant to the requirements of Eatonville Municipal Code, including but not limited to EMC 18.09.050 Amendments.
2. Pursuant to EMC 18.09.050 and consistent with the Comprehensive Plan, the Town of Eatonville (applicant) has submitted a Rezone application to modify the existing Multifamily Residential District (MF-2) –to- Downtown Commercial District (C-1) on parcels 3605002300, 3605002310, 3605002322 and 3605002280 (~1.11 acres).
3. Pursuant to Eatonville Municipal code, all applicable rezone application requirements and the application processing procedures (*including but not limited to 18.09 and 18.09A*) have been completed and satisfied.
4. A SEPA Determination of Non-significance was issued for the proposal. No comments were received by the comment deadline of June 8, 2016.

5. Notice has been provided to all property owners within at least 300 feet of the proposed Rezone at least 10 days prior to the Planning Commission public hearing.
6. The required public notice regarding the proposed Rezone has been be posted on site at least 10 days prior to the date of the Planning Commission public hearing.
7. Public notice has been published in a local newspaper at least 10 days prior to the Planning Commission public hearing.
8. On June 27, 2016, the Eatonville Planning Commission held a public hearing and provided opportunity for public comment regarding the Community Center Area Rezone Application. No agency or public comments were received on the proposal.
9. The proposed rezone area is contiguous to and by bordered on two (2) sides by the requested zoning district, Downtown Commercial District (C-1). The remaining two (2) sides are adjacent to Multifamily Residential zoning districts, which are typically considered as transitional zones.
10. The properties located with the rezone area are currently developed with uses that are permitted within the proposed Downtown Commercial District (C-1) zone.
11. The proposed rezone is consistent with the existing area development pattern and recognizes and acknowledges existing conditions.
12. Since the properties within the rezone boundary are already developed with allowed uses in the C-1 zone (*with 2 properties having redevelopment and/or intensification potential*), a ~1.11 acre reduction in multifamily zoning and a ~1.11 increase in commercial zoning will not substantially affect overall development opportunities for either zoning classification.
13. Although a development agreement is not part of this application, it is understood that approval of the requested rezone will likely facilitate the approval of a Conditional Use Permit the Town of Eatonville is concurrently pursuing for the development of the Family Support Center (*a Public Facility*) on one of the properties within the rezone area.
14. The proposed rezone is consistent with the comprehensive plan.
15. The proposed rezone and subsequent development of the site will be compatible with development in the vicinity.
16. The proposed rezone will not unduly burden the transportation system in the vicinity of the property with significant adverse impacts which cannot be mitigated.
17. Circumstances have changed substantially since the establishment of the current zoning district to warrant the proposed rezone.

18. The proposed rezone will not adversely affect the health, safety and general welfare of the town.

XI. PLANNING COMMISSION RECOMMENDATION:

Having conducted the required public hearing and carefully considering the entire record, including but not limited to the Planning Department file, the Applicant, interested agencies and the public, Planning Staff discussion and recommendations, by a unanimous vote of five (5) in favor and zero (0) apposed, the Planning Commission hereby recommends APPROVAL of the Community Center Area Rezone application.

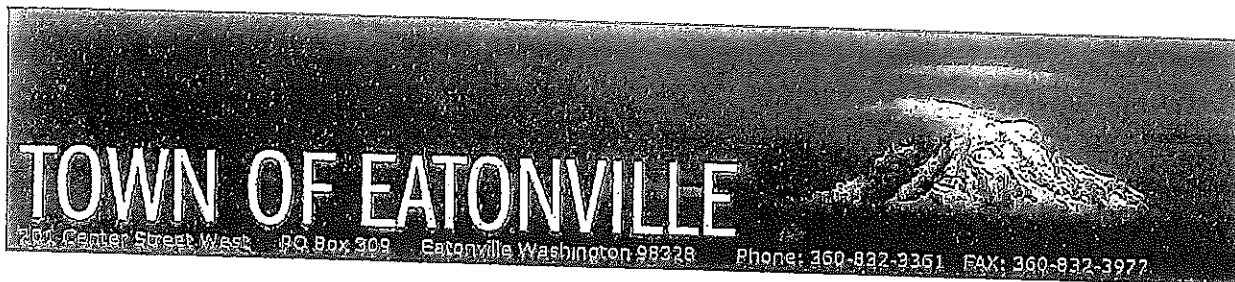
Judy Justice (co-chair)
Planning Commission Chairman

6/28/16
Date JJS

XII. ATTACHMENTS:

Attachment A: Rezone Letter of Completeness

Attachment B: May 23, 2016 SEPA Determination



DATE: May 23, 2016

TO: Town of Eatonville Project File: Community Center Area Rezone

FROM: Scott Clark, Town Contract Planner

SUBJECT: Letter of Completeness (*Community Center Area Rezone Application*)

As of May 23, 2016, the Community Center Area Rezone application has been received, reviewed and determined "Technically Complete", pursuant to the applicable requirements of the Town of Eatonville municipal code.

The following minimal materials have been provided:

1. A complete original Master Application For Land Use Actions;
2. A legal description of the project area has been supplied by a surveyor licensed in the state of Washington;
3. A current Pierce County assessor's map(s) showing the property(ies) within a radius of the subject site as required and a list of the names and addresses of owners of all properties within that radius, certified as accurate and complete by the Pierce County assessor, a title company, licensed surveyor, or other party approved by the planning commission;
4. All information listed as application requirements in the relevant sections of applicable Town ordinances;
5. A SEPA checklist, typewritten and signed.

The Contact Person for this project shall be Kerri Murphy, Planning Secretary. The Town intends on publishing a Notice of Application May 25, 2016; and targeting a Hearing Notice publishing date of June 8, 2016, and hearing date of June 20, 2016.

Attachment "A"

TOWN OF EATONVILLE

201 Center Street West, PO Box 309, Eatonville, Washington 98328 Phone: 360-832-3361 FAX: 360-832-3977

WAC 197-11-970

SEPA DETERMINATION OF NONSIGNIFICANCE Community Center Area Rezone

Description of proposal: The proposal is to rezone four (4) contiguous parcels (3 owned by the Town of Eatonville, and 1 privately owned property) from MF-2 to C-1. The rezone area is ~1.11 acres, all of which contains existing development allowed in the proposed C-1 Zone.

Proponent: The Town of Eatonville

Location of proposal, including street address, if any: The proposal will apply within the corporate limits of the Town of Eatonville, Wa. Sec-14, T-16, R-04, Q-34. 3 parcels owned by the Town: 3605002300 (305 Center St W.), 3605002310 and 3605002322; and one privately owned, parcel 3605002280.

Review Document: Community Center Area Rezone SEPA Environmental Checklist.

Lead agency: The Town of Eatonville

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued under WAC 197-11-340(2); the lead agency will not act on the proposal for 14 days from the date below. Comments must be submitted by 5:00 PM, June 8, 2016.

The document is available to read and review at the address below, between the hours of 8:00 AM and 5:00 PM, Monday through Friday.

Responsible official: Mayor Mike Schaub

Position/title: Town Mayor / SEPA Official Phone: (360) 832-3361

Address: 201 Center Street West / PO Box 309, Eatonville, WA 98328

Date: 5/23/16

Signature: M. Schaub

Attachment "B"

**Town of Eatonville
PLANNING COMMISSION MEETING
Monday, June 27, 2016
COMMUNITY CENTER
305 CENTER STREET WEST**

CALL TO ORDER

Co-Chairperson Justice called the meeting to order at 7:00 PM.

ROLL CALL

Present: **Commissioners Bertoia, Justice, Miller, Powell and Beach.**
Chairman Lambert – Excused.

STAFF PRESENT: Kerri Murphy and Scott Clark, consulting Planner with Larson and Assoc.

OPENING CEREMONIES

Commissioner Bertoia led the Pledge of Allegiance.

APPROVAL OF AGENDA

Commissioner Beach move to approve the agenda. Seconded by **Commissioner Bertoia . AIF**

APPROVAL OF MINUTES

Approval of **June 6, 2016** minutes. **Commissioner Beach** motion to approve the minutes. Seconded by **Commissioner Powell. AIF**

COMMUNICATIONS OR ANNOUNCEMENTS

There were no communications or announcements from the commissioners or the public.

PUBLIC HEARING

CONDITIONAL USE PERMIT

**The Planning Commission acting as the Board of Adjustment
Eatonville Family Resource Center - Conditional Use Permit**

Scott Clark, Planner with Larson and Associates – reminded the commissioners that this is a quasi-judicial proceeding. This is one that ends up in a decision of the Board of Adjustment. It does not go any further; the decision resides with this group and is subject to appeal.

Mr. Clark gave a brief summary of the staff report explaining that this is Conditional Use Permit (CUP) for the Eatonville Family Resource Center. Under the Eatonville Municipal Code (EMC) public facilities require a CUP. This application is being processed concurrently with a rezone application. The rezone application will be reviewed when the Board of Adjustment is finished with the CUP. Because this project is concurrent with the rezone, it has been processed as though this is in the location of C-1 zone. Everything in here is subject to that and those were the rules and regulations by which it was measured. The facility is 1,344 square feet. The one addition to the approval is that in this particular case there is a request for an exception to a sidewalk requirement that is part of this project description and is allowed pursuant to EMC 18.90.030 for some minor relief in design. We can discuss this further when we get to the site plan. Page 2 gives an idea of what the building will look like; a site plan showing the existing parking stalls and shed that exist today along with proposed landscaping; aerial photo of the project site; tax parcel # 3605002322. Processing the rezone as a C-1. The map is to make it crystal clear as to where the project site is located.

The project site is currently zoned MF-2 as we review it. We have looked at abutting zoning; abutting development and existing conditions and they are all listed. Photos of surrounding properties have been provided; a topography depiction showing a good size hill to the south of the site. The regulations for this rezone are in Chapter 18.04. District Regulations in C-1; the general supplementary provision of 18.08 where the CUP resides for public facilities; 18.09 Administration provides the frame work and the processing procedures; the administration of the process and coming to the Board of Adjustment ultimately for a decision. In that provides the standards and criteria for granting approval. Those are the minimum standards and have been inserted into the report so that you can make decisions on each one of them individually. Chapter 18.08 is just the general and supplementary provisions, Conditional Use Permit standards and it also identifies the specific public facilities that are allowed. EMC 18.04 is district regulations for C-1 and this list out the uses that are relevant and some of the development standards that go along with it. EMC 12.04.180 are construction. EMC 15.04 Environmental Review which is the SEPA. EMC 15.16 Critical Areas code. EMC 18.03 District established (Zoning Map). 18.05 Off street parking and loading requirements; 19.03 Design Standards for commercial and multi-family zones; Some excerpts have been inserted that staff felt was relevant to the proposal for the Comprehensive Plan which are mainly in there for reference. There is not a standard in this particular one requiring it to be compliant with the Comprehensive Plan they are just here to give context. If it is compliant with the code requirement then it is understood it is to be compliant with the comprehensive plan. Critical areas have been reviewed and there are no critical areas involved in the location siting of this new building. SEPA was issued. DNS, the town received no comments from agencies or the public. There were no comments from the public on the application or on SEPA. Included is a staff analysis covering the minimum criteria of approval is where focus on staff's thoughts were provided. Having reviewed everything it is staffs recommendation that this Conditional Use Permit be approved subject to the conditions that have been provided. IX. Draft Findings of Fact; detail has been provided in making the decision and these are subject to planning commissioners review and approval. Numbers 12 through 21 are the ones that you will want to make decisions on. If it is an approval you will want to circle or underline the bold and underlined text and italic option is for denials. Draft Board of Adjustment decision. We will record your vote and decision. XII is the Draft Conditions of Approval, there are six provided for consideration. Included is a larger plot plan; Letter of Completeness and the SEPA determination that was issued on May 23, 2016.

Co-Chair Justice confirmed that if this property does not become a C-1, then this whole thing is void.

Mr. Clark confirmed that yes and that there is a condition that was included that states that this is the case because it is processed under the C-1. This one should the Board approve it, in order to do that development it requires that rezone. That is a second step that needs to happen. Running them concurrently is perfectly fine it is not uncommon to run them parallel. Mr. Clark added that for the record, the applicant is the Town of Eatonville. Staff is here doing the report and also here representing the town's interest.

Commissioner Miller asked who owns the property to the east.

Mr. Clark - Audrey Baardson is the owner.

Commissioner Miller asked if she made any comment.

Mr. Clark said that Mrs. Baardson has not made any comment on this. There are comments to discuss in the following application for the rezone. There were no comments received regarding this proposal.

Commissioner Miller asked if the property to the south, Babcock property.

Mr. Clark confirmed that these are the two pieces of property that run up the hill parallel to Pennsylvania Avenue S. and the alleyway.

Commissioner Miller asked Mr. Clark if he feels that this is unbuildable.

Mr. Clark said "No" he is not saying that but he does believe there are serious challenges on the hillside. He thinks it may need to access off the top and that there may be some possibilities up there.

Commissioner Miller said he would like for the Town of Eatonville to put in writing that if Mr. Babcock did find a way to develop that property that he would not be on hook for the sidewalk on Pennsylvania Ave. S. that runs across the front of this property.

Mr. Clark explained that that is a good point and that staff agreed. This has already been inserted as a condition of approval. #3 on page 15. "In the event the Pennsylvania Avenue South right-of-way is developed with either sidewalks or travel-way up the hill to the south from this site, a sidewalk along the frontage of this parcel will be required to be completed and paid for by the land owner". It is written for whoever owns the property and should the property ever be developed that is why it is there.

Commissioner Beach made motion to approve the Condition Use Permit including the bold statements in items 12 through 21 and the conditions in XII. Seconded by **Commissioner Bertoia**. AIF. 0 – Opposed.

Commissioner Beach commented on the order in which the items where on the agenda. It did not seem logical that the Conditional Use Permit was depended on the Zoning being changed. It seems to him that the zoning would have been taken up first.

Mr. Clark said that it could have been done that way...

Commissioner Beach said that he did not object at the time so he is not objecting now. The logic of it defies him.

Mr. Clark said he appreciates that and if he had said something upfront(not audible both talking at the same time)

Commissioner Beach said if there had been any audience he would have said something, but since it is only the commissioners and staff.....

REZONE

Scott Clark explained that they would now shift from the Board of Adjustment to the Planning Commission. The Planning Commission will now act as a recommending body and this particular application is a rezone and as a rezone it goes to the planning commission first for review and recommendation, then your recommendation will then be forwarded to council and then council makes the decision. Their decision is appealable.

Mr. Clark explained that this is a different area than the last application. This is a larger area than the last application that was dealt with. This includes four (4) parcels. It is a rezone from multi-family residential district, MF-2 to Downtown Commercial, C-1. Along with the parcel that was discussed earlier it includes the two parcels to the north of it which is a good part of the parking lot and the Community Center and the parcel to the east, Mrs. Baardson's property. This rezone includes parcels 3605002280; 2300; 2310 and 2322 for the record. The Town of Eatonville owns three of these properties and the other owner is Audrey Baardson. Mrs. Baardson has spoken to the town and she is in favor of the rezone and offers no opposition. Mr. Clark wanted the planning commission to understand that this contact had been made with Mrs. Baardson and she is happy to move forward with it.

Commissioner Beach asked if we had anything in writing from her.

Mr. Clark explained that she did not provide any comment. We also have no comments from any agencies, the public, any other concerned citizens or Mrs. Baardson. We did however have a woman (Rosemarie Van Cleve) come in earlier, she is a neighbor here. She is supportive of it but she would not be here for the hearing.

Mr. Clark explained the parcel map provided and the current and proposed zoning. Checkered boxes indicate the area of interest. There are pictures and descriptions of the abutting zoning. Page 6 are pictures of abutting development in the area and who the neighbors are in this area. EMC 18.09.050 the amendments are the regulations and procedures for a rezone and the standards for granting the rezone. The Comprehensive Plan is inserted into this summary and this one is a standard of criteria for approval. This one is in here as a substantive not just an informative. Staff has included a number of comprehensive plan goals and policies that we felt were relative to the request. VII. State Environmental Policy Act, Determination of Non-significance (DNS) was issued on May 23, 2016. No comments were received from agencies or the public. VIII – Staff Analysis and Recommendations – this addresses criteria of approval from staff's perspective and again staff recommends approval. In this particular case the rezone seems to remedy what was already an oversight when you look at the general nature of the primary or the majority of this in a commercial enterprise not really residential. Obviously Mrs. Baardson's property is but her

home is an allowed use in the C-1 zone so it is a conforming use, an allowed use. It makes sense that that block be changed and it's contiguous to C-1 zoning on two sides. IX – Draft Findings of Fact - beginning with 14 through 18, the required findings. Again, the bold and underlined are for approval and italics are offered for a denial decision. X – Draft Planning Commission Recommendation. Attachments are the Rezone Letter of Completeness and the May 23rd, 2016 SEPA determination.

Commissioner Miller asked if the Town of Eatonville has any plans for the Baardson property.

Mr. Clark – No, that is an individual landowner decision.

Commissioner Miller asked how this will affect her taxes.

Mr. Clark explained that his understanding is that it has no affect at all. He is not an assessor so he cannot speak with authority, only by experience and his experience is that they base it off use. As long as it is residential property, it will be taxed residentially and should it change in the future then they will change it.

Commissioner Beach said that assuming the town grows she has the possibility that this property is going to appreciate.

Mr. Clark added that it could change to some other use because it could be zoned with more options.

Commissioner Miller said if it was his property he would want the zoning change.

Mr. Clark agreed and felt that this would be a good thing for Mrs. Baardson being the landowner, which is his opinion. They agreed and that is why the planning commission is here tonight. We had that discussion before it was brought forward. We didn't want to bring forward something that one of the landowners was going to be opposed to.

Co-Chair Justice agreed that if it was her property she also would want it to be commercial too.

Mr. Clark said it makes sense, she is basically sandwiched between two commercial operations. They are not commercial - commercial but they are commercial in nature.

There were no further comments.

Commissioner Beach motion to recommend to the council to accept the rezone as proposed and that we accept the bold underlined type in 14 through 18 of the findings of fact. Seconded by **Commissioner Bertoia**. AIF. 0-Opposed.

COMMENTS FROM COMISSIONERS

Commissioner Beach said the town now has air blower signs, one at the Cruiser Café and one at the Pawn Shop. "Noodle Man" signs. When we first went through the sign ordinance we were not thinking about these types of attention signs. Need to revisit the sign code.

Commissioner Miller asked if the flashing light on the tow truck has been addressed. He said that there is an ordinance against that. That is a distraction.

Mr. Clark felt that this might be the key to dealing with it is that it is a distraction. Maybe this is an issue to be addressed by the police.

Commissioner Miller said it has the name of the company on the door and it's go the flashing light which is clearly against the sign ordinance. It is a distraction. People use these yellow lights when they work alongside the road. He added that if everyone who had a business had a flashing yellow light it would be an unsafe condition for the people who actually had to work on the roads in his opinion.

Commissioner Beach added that there is still the issue of the truck with the billboard sign that we need to deal with.

Mr. Clark agreed that that is a sign, a directional sign.

Commissioner Beach suggested that the sign ordinance be put on the agenda. Make a list of the questionable ones and find out if the ordinance deals with that. Noodle signs; vehicles with billboard directional signs and flashing lights. Deal with those that the ordinance doesn't deal with now and enforce the ordinance regarding the ones it does deal with. Is it possible to write into the ordinance that the only signs are allowable are those specifically allowable in the ordinance. At that stage we could go onto conditional use permits. The people that sell signs are always thinking about ways of selling them. If we can say in the ordinance "if your sign or attraction or whatever (define it in some way that covers this matter) is not specifically allowed in this ordinance it is not allowed".

Mr. Clark that that this is possible.

Commissioner Beach thought that we need to think about language like that. If they think that they have a legitimate case they can always ask to have the ordinance amended. Which it can be amended by saying that particular thing is allowable or by conditional use permit. Trying to anticipate what everybody is going to come up with is difficult.

Mr. Clark thinks that it is doable but there is some question in his mind about free speech rights. Sign ordinances can be difficult. You can't control the message but you can control the way it is delivered. The key to being successful with that approach would be to have a very detailed and or clear explanation of what it is that is allowed. It introduces another level of effort to try to make sure it is crystal clear what is allowed and that can be difficult. Codes are often easier to write to not go into such detail because when you do that sometimes there are things that are missed. There is generally an element of interpretation that is necessary to implement in that gray area that work. When you try to make it too prescriptive it can become very awkward. And people get very upset, potentially.

Commissioner Beach asked staff to take a look at the sign ordinance. Thinking about these blowing things is simply an example of something that we didn't anticipate. How do we deal with that kind of situation and if that is something that we don't want, given the fact that we have two of them in town now, we might have to put in some provision to allow them for a certain length of time.

Mr. Clark said yes he had recently; he was part of the feather sign addition. So you want to have the planning commissioners go home and think about it and come back with a list of concerns.

Commissioner Beach added that we need to deal with that "truck" again. (Meaning the Landmark Restaurant Truck with the billboard sign).

Commissioner Beach made a motion to adjourn. Commissioner Miller seconded the motion. AIF.

Next meeting: July 18, 2016

ADJOURNMENT

Co-Chairperson Justice adjourned the meeting at 7:55 p.m.

Co-Chairperson Justice

Martin Miller - Secretary

ATTEST:

Kerri Murphy – Recording Secretary